

REMARKS

The Office Action mailed June 2, 2005 has been carefully reviewed and the foregoing amendments and the following remarks are made in response thereto.

Claims 1-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,847,794 to Namura.

By this amendment, claims 2, 8 and 14 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 1, 7 and 13 have been amended to further define the subject matter Applicant regards as the invention. In particular, claims 1, 7 and 13 have been amended to highlight an aspect of the invention recited in canceled dependent claims 2, 8 and 14, respectively. Claim 9 has been amended for clarity. Claims 3-6, 10-12 and 15 remain unchanged in the application.

This amendment changes, adds, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1, 3-7, 9-13 and 15 are presently pending in this application for consideration.

Applicant respectfully submits that each of the pending claims is patentably distinguishable over the cited reference as required by § 102. Applicant further submits that the cited reference fails to disclose the claimed apparatus and method for determining surplus electric energy and increasing an electric power consumption of a fixing unit within a range of the surplus electric energy. Amended independent claims 1 and 13 each include a control unit that *“determines surplus electric energy by subtracting the electric power consumption of the forming unit and the electric power consumption of the fixing unit from available electric energy of the image forming apparatus, and controls so as to increase the electric power consumption of the fixing unit within a range of the surplus electric energy.”* Independent claim 7 recites a similar feature in the context of a method claim. By contrast, the cited reference fails to teach or suggest this claimed feature. Accordingly, each of the

claims is patentably distinguishable over the cited reference. This distinction will be further described below.

### **THE CLAIMS DISTINGUISH OVER THE CITED REFERENCE**

Each of the claims stands rejected as being anticipated by Namura (U.S. Patent No. 6,847,794). Although both Applicant's claimed invention and Namura relate generally to image forming devices, the two address different problems and, not surprisingly, describe different solutions.

Namura is concerned with reducing power consumption in an image forming device. The problem addressed by Namura is supplying power to each functional unit of the image forming device when switching from an energy saving mode to an operating mode even if all of the functional units do not require immediate activation (Column 1, lines 15-26). To address this problem, Namura discloses only supplying power to selected functional units that require activation. After a task has been completed by a selected functional unit, power to that selected functional unit is terminated (Column 11, lines 11-16). Utilizing this architecture, the image forming device can reduce power consumption as compared with conventional image forming devices (Column 11, lines 11-20).

Unlike Namura, Applicant's claimed invention is not directed to reducing power consumption in an image forming device, but rather is directed to the problem of allocating surplus electric energy to a particular unit of the image forming device (Page 2, lines 2-16). Whereas Namura discloses a control unit that signals to either supply power or interrupt power to a functional unit, the claimed invention provides a control unit that determines a surplus electric energy for the entire image forming device and allocates electric power consumption to a particular unit of the image forming device within the range of the surplus electric energy (Page 18, lines 3-13). Namura fails to disclose such a control unit.

Each of the independent claims now includes a control unit or steps that *determines surplus electric energy by subtracting the electric power consumption of the forming unit and the electric power consumption of the fixing unit from available electric energy of the image forming apparatus and increases the electric power consumption of the fixing unit within a*

*range of the surplus electric energy.* With this arrangement, the time required for the image forming device to warm-up is reduced and thus, prompt copying by the image forming device can be carried out. Namura does not disclose a control unit that allocates an increase in electric power consumption to the fixing unit in the range of the surplus electric energy. Instead, the control unit of Namura is limited to merely either producing a power supply signal or a power interruption signal to give a command to apply electrical power or interrupt electrical power to the functional units (Column 2, lines 59-67). Since Namura does not disclose the control unit or steps claimed by Applicant, Namura fails to anticipate independent claims 1, 7 and 13. Thus, these claims are allowable.

Moreover, since independent claims 1, 7 and 13 are allowable, claims 3-6, 9-12 and 15 are also allowable by virtue of their direct or indirect dependence from allowable independent claims 1, 7 and 13 and for containing other patentable features. Further remarks regarding the asserted relationship between any of the claims and the cited reference is not necessary in view of their allowability. Applicant's silence as to the Office Action's comments is not indicative of being in acquiescence to the stated grounds of rejection.

Accordingly, Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

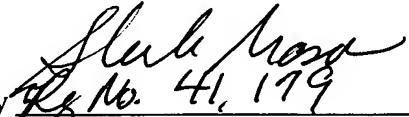
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 30, 2005

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